



**State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
4190 Washington Street West  
Charleston, WV 25313**

**Joe Manchin III**  
Governor

**Martha Yeager Walker**  
Secretary

October 2, 2006

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Ms. \_\_\_\_\_:

Attached is a copy of the findings of fact and conclusions of law on your hearing held September 5, 2006. Your hearing request was based on the Department of Health and Human Resources' proposal to impose a 3<sup>rd</sup> level West Virginia Works sanction.

In arriving at a decision, the State Hearings Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

Eligibility for the West Virginia Works Program is based on current policy and regulations. Some of these regulations state as follows: Failure, without good cause, to adhere to the responsibilities or any tasks listed on the PRC after signature, results in imposition of a sanction against the AG. No sanction may be imposed for failing to adhere to any provision that is not specifically addressed on the PRC at the time the failure occurred. (West Virginia Income Maintenance Manual Section 1.25 T PERSONAL RESPONSIBILITY CONTRACT (PRC)).

The information submitted at your hearing revealed: You failed to comply with the terms of your Personal Responsibility Contract.

It is the decision of the State Hearings Officer to uphold the proposal of the Department to impose the sanction.

Sincerely,

Ray B. Woods, Jr., M.L.S.  
State Hearing Officer  
Member, State Board of Review

cc: State Board of Review  
Alice Kayrouz, FSS

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES  
BOARD OF REVIEW**

\_\_\_\_\_,  
**Claimant,**

**v.**

**Action Number: 06-BOR-2742**

**West Virginia Department of  
Health and Human Resources,**

**Respondent.**

**DECISION OF THE STATE HEARING OFFICER**

**I. INTRODUCTION:**

This is a report of the State Hearing Officer resulting from a fair hearing concluded on October 2, 2006 for Ms. \_\_\_\_\_. This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on September 5, 2006 on a timely appeal filed August 22, 2006.

It should be noted here that the Claimant's WV WORKS Benefits were continued during the fair hearing process. A pre-hearing conference was held between the parties prior to the fair hearing; and the Claimant did not have an Attorney working with her in this particular matter.

**II. PROGRAM PURPOSE:**

The Program entitled West Virginia Works is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

WV Works was created by Senate Bill 140, Article 9 of the West Virginia Code and the Temporary Assistance to needy Families Block Grant, Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The purpose of WV Works is to provide assistance to needy families with children so they can be cared for in their own home, reduce dependency by promoting job preparation, work and marriage. The goals of WV Works are to achieve more efficient and effective use of public assistance funds, reduce dependence on public programs by promoting self-sufficiency and structure the assistance programs to emphasize employment and personal responsibility.

### **III. PARTICIPANTS:**

\_\_\_\_\_, Claimant

Alice Kayrouz, Family Support Specialist – [REDACTED] District DHHR

Presiding at the Hearing was, Ray B. Woods, Jr., M.L.S., State Hearing Officer and a member of the State Board of Review.

### **IV. QUESTIONS TO BE DECIDED:**

The question(s) to be decided is: Did the Claimant comply with the requirements of her Personal Responsibility Contract?

### **V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual Chapter 1.25 T PERSONAL RESPONSIBILITY CONTRACT (PRC); and Chapter 13.9 (A) DEFINITION OF A SANCTION

### **VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

#### **Department's Exhibits:**

- D-1 Copy of Personal Responsibility Contract (PRC) Part 2 dated 08/17/06
- D-2 Copy of Personal Responsibility Contract (PRC) Part 2 dated 06/12/06
- D-3 Closure Letter dated 08/15/06

#### **Claimants' Exhibits:**

None

### **VII. FINDINGS OF FACT:**

- 1) The Claimant came to the office and completed a new PRC on June 12, 2006. She was required to submit weekly job search forms, and search for ten (10) jobs per week.
- 2) The Family Support Specialist reviewed the case on August 14, 2006, and discovered that there were no job search forms in the file. A 3/3 sanction was applied to the case.
- 3) A Good Cause appointment was scheduled for August 17, 2006. The Claimant attended the appointment, and did not provide good cause for failing to comply with her PRC. A new PRC was completed during the appointment. The Department maintained the sanction, and the Claimant requested continued benefits during the fair hearing process.
- 4) At the hearing, the Claimant admitted that she failed to submit the job search forms on a weekly basis.
- 5) Chapter 13.9 of the WV Income Maintenance Manual states in part:

When a member of the AG does not comply with requirements on his PRC, a sanction must be imposed unless the Worker determines that good cause exists. 3rd offense and all subsequent offenses results in ineligibility for cash assistance for 3 months or until compliance, whichever is later.

- 6) Chapter 1.25 T of the WV Income Maintenance Manual states in part:

Failure, without good cause, to adhere to the responsibilities or any Tasks listed on the PRC after signature, results in imposition of a sanction against the AG.

#### **VIII. CONCLUSIONS OF LAW:**

- 1) Chapter 13.9 of the WV Income Maintenance Manual states in part:

When a member of the AG does not comply with requirements on his PRC, a sanction must be imposed unless the Worker determines that good cause exists. 3rd offense and all subsequent offenses results in ineligibility for cash assistance for 3 months or until compliance, whichever is later.

- 2) Chapter 1.25 T of the WV Income Maintenance Manual states in part:

Once a sanction has been imposed, it cannot be stopped until the appropriate time has elapsed or the appropriate action is taken, whichever is later. A 3rd Offense and All Subsequent Offenses = Ineligibility for cash assistance for 3 months or until compliance, whichever is later.

- 3) The Claimant did not provide Good Cause for failing to comply with the terms of her PRC, and is not in compliance with the West Virginia Works Policy

#### **IX. DECISION:**

It is the decision of this State Hearing Officer to UPHOLD the PROPOSAL of the Department to impose a West Virginia Works sanction for non compliance with the PRC.

#### **X. RIGHT OF APPEAL:**

See Attachment

#### **XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 2nd Day of October, 2006**

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**Ray B. Woods, Jr., M.L.S.**  
**State Hearing Officer**